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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: JOE REYES

Serial No.: 09/927,995

Group Art Unit No.: 1617

Filed: August 10, 2001

Examiner: JIANG, Shaojia A

For: COMPOSITION TO BOOST LIBIDO

Attorney Docket No.: 3124.00015

RESPONSE

Assistant Commissioner for Patents
Washington, D.C. 20231

Dear Sir:

This is in response to the Office Action dated December 17, 2002, Paper No. 4.

Restriction to one of the following groups was required under 35 U.S.C. § 121:

- I. Claims 1-9 drawn to a natural composition comprising the nutrient ingredient specified herein, classified in class 514, subclass 177 for example.
- II. Claims 10-18, drawn to a natural composition comprising the nutrient ingredient specified herein, classified in class 514, subclass 177 for example.
- III. Claims 19-20, drawn to a method of increasing the libido by administering a composition herein, classified in class 514, subclass 177 for example.

Applicants provisionally elect Group II, claims 10-18 for prosecution purposes, with traverse. Applicants hereby conditionally withdraw claims 1-9 and 19-20 from prosecution, without prejudice, and request reconsideration of the restriction requirement. Applicant traverses the restriction requirement based on the following grounds. It is respectfully submitted that the restriction requirement practice was

established to promote efficiency of prosecution in the Patent Office. Applicant argues that groups I and II should be combined as they are both classified in class 514 and subclass 177. More specifically, both groups of claims relate to a natural composition comprising nutrient ingredients that are extremely similar and are used for the same purpose, but used for the opposite sex. Since the purpose of both compositions is identical and there are only minor differences in the technical ingredients of the claims, it is respectfully submitted that prosecution of the claims of groups I and II can be combined for prosecution purposes, thereby promoting the grounds for the establishment of the restriction requirement practice. Hence, it is respectfully submitted that restriction should not be required and that Applicants have traversed the restriction requirement.

However, as stated above, Applicant provisionally elects Group II, claims 10-18 for prosecution purposes, with traverse. Applicant hereby conditionally withdraws claims 1-9 and 19-20 from prosecution, without prejudice, and request reconsideration of the restriction requirement.

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The application is now in condition for allowance, which allowance is respectfully solicited.

The Commissioner is authorized to charge any fee or credit any overpayment in connection with this communication to our Deposit Account No. 11-1449.

Respectfully submitted,

KOHN & ASSOCIATES, PLLC



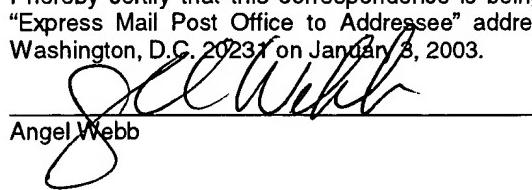
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Dated: January 3, 2003

CERTIFICATE OF MAILING

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I hereby certify that this correspondence is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" addressed to the Assistant Commissioner for Patents, Washington, D.C. 20231 on January 3, 2003.


Angel Webb